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Attorney's Docket No.: 17979-006002 / 02045PUS CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Krahmer et al.

Art Unit : Unknown

Serial No. : 10/817,527

Examiner : Unknown

Filed : April 1, 2004

Title : OBJECTIVE WITH FLUORIDE CRYSTAL LENSES

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF APRIL 12, 2005

In response to the Office Action mailed April 12, 2005, Applicants request reconsideration in view of the following remarks.

The Examiner rejected claims 1, 3, 7, 8, 18, 20, 23, 24, 28, 32, 33, 35, 36, 39, 43-45, 48 and 54 under 35 U.S.C. §102(e) or §103(a) in view of Hoffman et al., U.S. Patent No. 6,683,710 (“the Hoffman patent”). However, Applicants intend to submit in the near future certified copies of the priority applications for the present application, which demonstrate that the Hoffman patent does not qualify as prior art to the claims 1, 3, 7, 8, 18, 20, 23, 24, 28, 32, 33, 35, 36, 39, 43-45, 48 and 54 under 35 U.S.C. §102(e). Accordingly, Applicants request reconsideration and withdrawal of these rejections.

The Examiner rejected claims 52, 53 and 82 under 35 U.S.C. §103(a) as being unpatentable over EP 1 139 138 (“the Nikon application”) in view of the Hoffman patent. Applicants intend to submit in the near future certified copies of the priority applications for the present application, which demonstrate that the Hoffman patent does not qualify as prior art to claims 52, 53 and 82 under 35 U.S.C. §102(e). Without conceding that the Examiner’s

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07/11/05

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Patricia Smith

Typed or Printed Name of Person Signing Certificate

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characterization of the Nikon application is accurate, the Examiner conceded that the Nikon application does not disclose the subject matter covered by claims 52, 53 and 82. Thus, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 18-20, 28-30, 32, 33, 35, 52 and 53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-12, 14-17, 47 and 48 in co-pending U.S.S.N. 10/931,745. Without conceding that this rejection is appropriate, Applicants request that this rejection be held in abeyance until such time as it is the only rejection remaining in either the present application or U.S.S.N. 10/931,745. (See M.P.E.P. §804).

Applicants believe the application is in condition for allowance which action is requested.  
Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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Sean P. Daley  
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Date: 7/11/05

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